

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SCOTT PHILLIP LEWIS,
Plaintiff

v.

WILLIAMSON COUNTY, TEXAS,
Defendant

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Case No. 1:21-cv-00074-ADA-SH

ORDER

Now before the Court is Plaintiff Scott Phillip Lewis’ Motion to Waive PACER Fees for Indigent Filer, filed December 18, 2023 (Dkt. 127).

The Electronic Public Access (“EPA”) Fee Schedule¹ sets forth a national policy regarding requested discretionary fee exemptions that is to be applied locally:

- Courts may exempt certain persons or classes of persons from payment of the user access fee. Examples of individuals and groups that a court may consider exempting include: indigents, bankruptcy case trustees, *pro bono* attorneys, *pro bono* alternative dispute resolution neutrals, Section 501(c)(3) not-for-profit organizations, and individual researchers associated with educational institutions. Courts should not, however, exempt individuals or groups that have the ability to pay the statutorily established access fee. Examples of individuals and groups that a court should not exempt include: local, state or federal government agencies, members of the media, privately paid attorneys or others who have the ability to pay the fee.
- In considering an exemption, courts must find:
 - that those seeking an exemption have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information

Item 9, EPA Fee Schedule (effective January 1, 2020). The Judicial Conference Policy Notes to the Fee Schedule make clear that those seeking an exemption are required “to demonstrate that an exemption is limited in scope and is necessary in order to avoid an unreasonable burden.”

¹ Available at <https://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule>.

Plaintiff is not proceeding *in forma pauperis* in this action and has not been found indigent. He must provide sufficient financial information, under oath, to demonstrate that his requested exemption from PACER fees is necessary to avoid unreasonable burden.

Accordingly, Plaintiff is **ORDERED** to complete all “Questions Regarding Ability to Pay” on the Austin Division Application to Proceed in Forma Pauperis and Financial Affidavit in Support, attached to the Pro Se Manual on the Court’s website (<https://www.txwd.uscourts.gov/filing-without-an-attorney/pro-se-manual/>) at [e. Financial Affidavit in Support of Motion \(Austin Only\).pdf \(uscourts.gov\)](#), and submit his signed financial affidavit **by December 29, 2023**. Otherwise, Plaintiff’s motion will be denied.

SIGNED on December 20, 2023.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE